REMARKS

Claims 1-5 are pending and claims 1-5 stand objected to and rejected. The Office action objects to claims 1-5 under 35 USC § 112 for instances of insufficient antecedent basis. The Office action rejected claims 1-2 under 35 USC § 102(b) as being anticipated by Middlebrook et al. U.S. Pat. 4,638,295 (hereinafter "Middlebrook"). The Office action further rejected claim 3 under 35 USC § 103(a) as being unpatentable over Middlebrook in view of Goertler U.S. Pat. 4,348,655 (hereinafter "Goertler") and claims 4-5 under 35 USC § 103(a) as being unpatentable over Middlebrook in view of Dantoni et al. U.S. Pat. 5,673,019 (hereinafter "Dantoni"). Applicant respectfully believes that the objections and rejections have been traversed in light of the following remarks or no longer apply in light of the amendments.

Information Disclosure Statement Remarks

Applicant appreciates the information and guidance provided in the Office action. In response, an IDS is being filed herewith.

Claim rejections under 35 USC § 112

Claims 1-5 stand rejected under 35 USC § 112 for instances of insufficient antecedent basis. Applicant suggests that the amendments to claims 1-5 resolve the antecedent basis issues. Therefore, Applicant respectfully requests that the rejections of claims 1-5 be withdrawn.

Claim rejections under 35 USC § 102

Claims 1-2 stand rejected under 35 USC § 102(b) as being anticipated by Middlebrook. Applicant respectfully suggests that the rejections with respect to amended independent claim 1 are traversed in the following remarks.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single reference.[1] Furthermore, the identical invention must be shown in as complete detail as is contained in the claim.[2]

---

[1] *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987).
[2] *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

With regards to the amended independent claim 1, the Office action fails to establish a prima facie case of anticipation by Middlebrook because citations of Middlebrook provided as support for the rejections fail to describe, suggest or teach "each and every element as set forth in the claim[s]". In particular, amended claim 1 states:

> A system to sense when a turn signal for a vehicle is active and the vehicle is turning and ***indicate that the vehicle is turning by varying a frequency and/or intensity with which the turn signal blinks, signaling to other motorists that the vehicle is turning, wherein the frequency and/or intensity with which the turn signal blinks is varied based upon an amount of time during which the vehicle is turning.*** (emphasis added).

As cited, Middlebrook describes switching the frequency of the turn signal from 80 flashes per minute to 200 flashes per minute and vice versa in response to vehicle movement or engine acceleration. Middlebrook does not describe, teach or suggest, expressly or inherently, "[a] system to... indicate that the vehicle is turning by varying a frequency and/or intensity ... based upon an amount of time during which the vehicle is turning." Thus, Applicant respectfully requests that the rejection of claim 1 be withdrawn and that claim 1 be allowed.

With regards to claim 2, Applicant submits that claim 2 incorporates the limitations of claim 1. So Applicant respectfully requests that the rejections of claims 1-2 under 35 USC § 102(b) be withdrawn and the claims be allowed.

Furthermore, Middlebrook fails to anticipate all the elements of the new independent claims 6, 11, 14, 16, 18, 20, 25, 28, 32, 36, and 39. As cited, for instance, Middlebrook does not describe frequency and/or intensity variations in the turn signal related to "the position of the shaft", "the angle of the wheel", and/or "an amount of time the vehicle has been turning". Thus, Applicant respectfully suggests that the rejections under 35 USC § 102(b) are not applicable and the claims be allowed.

With regards to the new claims that are dependent upon the new independent claims 6, 11, 14, 16, 18, 20, 25, 28, 32, 36, and 39, Applicant submits that such dependent claims incorporate the limitations of the corresponding independent claim. So Applicant respectfully suggests that the rejections under 35 USC § 102(b) are not applicable and the claims be allowed.

Claim rejections under 35 USC § 103(a)

The Office action rejected claims 3 and 4-5 under 35 USC § 103(a) as being unpatentable over Middlebrook in view of Goertler and Dantoni, respectively. The present application includes a new set of method claims, claims 15-21, and Applicant believes that the rejections do not apply to the new method claims.

To establish a prima facie case of obviousness, three basic criteria must be met.[3] First, there must be a suggestion or motivation to modify or combine the references.[4] Second, there must be a reasonable expectation of success in the modification or combination.[5] Finally, the modification or combination must teach or suggest all of Applicants' claim limitations.[6]

Claim 3 depends upon claim 1 and includes limitations:

> ***...indicate that the vehicle is turning by varying a frequency and/or intensity with which the turn signal blinks, signaling to other motorists that the vehicle is turning, wherein the frequency and/or intensity with which the turn signal blinks is varied based upon an amount of time during which the vehicle is turning.***-(emphasis added).

As cited, Goertler describes pulse generators utilized to produce turn signals but, similar to Middlebrook, fails to describe or otherwise disclose "[a] system to... indicate that the vehicle is turning by varying a frequency and/or intensity ... based upon an amount of time during which the vehicle is turning." Thus, Goertler does not teach or suggest, expressly or inherently, the teachings of amended independent claim 1. Applicant respectfully requests that the rejection of claim 3 be withdrawn and claim 3 be allowed.

Furthermore, Middlebrook in view of Goertler fails to teach or suggest, expressly or inherently, the teachings of the new independent claims 6, 11, 14, 16, 18, 20, 25, 28, 32, 36, and 39. Particularly, in accordance with the cites, Middlebrook's disclosure describes switching the frequency of the turn signal from 80 flashes per minute to 200 flashes per minute and vice versa and Goertler describes pulse generators utilized to produce turn signals. In both Middlebrook and Goertler, the cited passages and figures in the Office action focus on turn signals responsive to vehicle movement, braking, and/or engine acceleration. As cited, for instance, the

---

[3] Manual of Patent Examining Procedure §2142.
[4] *In re Vaeck*, 947 F.2d 488, 493, 20 USPQ2d 1438, 1442 (Fed. Cir. 1991).
[5] *In re Merck & Co., Inc.*, 800 F.2d 1091, 1097, 231 USPQ 375, 379 (Fed. Cir. 1986).

combination of Middlebrook and Goertler does not describe frequency and/or intensity variations in the turn signal related to "the position of the shaft", "the angle of the wheel", and/or "an amount of time the vehicle has been turning". Thus, Applicant respectfully suggests that the rejections under 35 USC § 103(a) are not applicable and the claims be allowed.

Claims 4-5 depend upon claim 1 and includes:

> ***...indicate that the vehicle is turning by varying a frequency and/or intensity with which the turn signal blinks, signaling to other motorists that the vehicle is turning, wherein the frequency and/or intensity with which the turn signal blinks is varied based upon an amount of time during which the vehicle is turning.***-(emphasis added).

The combination of Middlebrook and Dantoni must teach or suggest all of Applicants' claim limitations. As cited, Middlebrook's disclosure describes switching the frequency of the turn signal from 80 flashes per minute to 200 flashes per minute and vice versa and Dantoni describes variance of a number of bulbs utilized for the turn signal based upon the degree of the turn measured by rotation of a steering mechanism. Neither Middlebrook nor Dantoni teach or suggest, expressly or inherently, the elements of currently amended independent claim 1 such as "[a] system to... indicate that the vehicle is turning by varying a frequency and/or intensity ... based upon an amount of time during which the vehicle is turning." The combination of Middlebrook and Dantoni, therefore, cannot support a prima facie case of obviousness. As such, a prima facie case of obviousness has not been established and the rejection of claims 4-5 should be withdrawn.

Furthermore, the combination of Middlebrook and Dantoni fails to teach or suggest, expressly or inherently, the teachings of the new independent claims 11, 16, 18, 20, 25, 28, 32, and 36. For instance, the combination of Middlebrook and Dantoni does not teach or suggest, expressly or inherently, frequency and/or intensity variations in the turn signal related to "the angle of the wheel" and/or "an amount of time the vehicle has been turning". Thus, Applicant respectfully suggests that the rejections under 35 USC § 103(a) are not applicable and the claims be allowed.

---

[6] *In re Royka*, 490 F.2d 981, 985, 180 USPQ 580, 583 (CCPA 1974).

Similarly, the combination of Middlebrook and Dantoni fails to teach or suggest, expressly or inherently, the teachings of the new independent claims 6, 14, and 39. For instance, the combination of Middlebrook and Dantoni does not teach or suggest, expressly or inherently, generation of "an output signal for the vehicle, wherein a voltage of the output signal varies based upon the position of the shaft." Thus, Applicant respectfully suggests that the rejections under 35 USC § 103(a) are not applicable and the claims be allowed.

With regards to the new claims that are dependent upon the new independent claims 6, 11, 14, 16, 18, 20, 25, 28, 32, 36, and 39, Applicant submits that such dependent claims incorporate the limitations of the corresponding independent claim. So Applicant respectfully suggests that the rejections under 35 USC § 103(a) are not applicable and the claims be allowed.

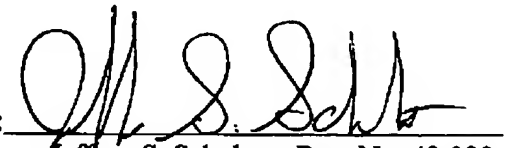
CONCLUSION

In the present response, Applicant has amended the specification, responded to the Office actions claim objections and rejections under 35 USC §§ 112, 102, and 103 and added new claims 6-40. Accordingly, Applicant believes that this response constitutes a complete response to each of the issues raised in the Office action. In light of the amendments made herein and the accompanying remarks, Applicant believes that the pending claims are in condition for allowance. Accordingly, Applicant requests that the objections and rejections be withdrawn, pending claims be allowed, and application advance toward issuance. If the Examiner has any questions, comments, or suggestions, the undersigned attorney would welcome and encourage a telephone conference with Jeffrey Schubert at (512) 288-6635.

As a result of the newly added claims, Applicant believes that additional claims fees and extension fees are due for this response in the amount of $1460.00. The Commissioner is hereby authorized to charge the credit card per the attached USPTO form 2038 for $1460.00 for the claims. Furthermore, the Commissioner is authorized to charge or credit any overpayments or underpayments to Deposit Account No. 50-3295.

Respectfully submitted,

Date: Nov. 30, 2005

By: 

Jeffrey S. Schubert, Reg. No. 43,098
Customer No. 38518
Schubert Osterrieder & Nickelson PLLC
6013 Cannon Mtn. Dr., S14
Austin, Texas 78749
Tel. (512) 288-6635
Fax (512) 301-7301
ATTORNEY FOR APPLICANT(S)